

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Fruitridge
Vista Water Company, a trust, for an order:
1) establishing a moratorium on new service
connections; and 2) clarification of Tariff Rule 15
regarding payment for new facilities servicing
new applicants.

Application 05-10-005
(Filed October 7, 2005)

Sacramento Housing and Redevelopment
Agency and the Housing Authority of the County
of Sacramento,

Complainants,

vs.

Fruitridge Vista Water Company,

Defendant.

Case 05-10-007
(Filed October 11, 2005)

County of Sacramento,

Complainant,

vs.

Fruitridge Vista Water Company,

Defendant.

Case 05-10-011
(Filed October 7, 2005)

David R. Gonzalez & Donna L. Gonzalez,

Complainants,

vs.

Fruitridge Vista Water Company,

Defendant.

Case 05-09-011
(Filed September 6, 2005)

Mercy Properties California, Complainant, vs. Fruitridge Vista Water Company, Defendant.	Case 05-09-012 (Filed September 6, 2005)
Victoria Station, LLC, Complainant, vs. Fruitridge Vista Water Company, Defendants.	Case 05-09-027 (Filed September 22, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PRE-MEDIATION AND PREHEARING CONFERENCE**

This ruling sets a pre-mediation hearing in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102 at 10:00 a.m., Thursday, November 17, 2005; requires applicant Fruitridge Vista Water Company (Fruitridge) to prepare and serve a mediation status report on or before November 29, 2005; and schedules a prehearing conference at 10:00 a.m., Tuesday, December 6, 2005 in Sacramento to determine the status of mediation efforts and prepare for evidentiary hearing on this application and on all complaints filed against Fruitridge. The location of the Sacramento prehearing conference will be announced by ruling to issue later.

The prehearing conference will address the schedule for any motions, the issues to be litigated, the need for any discovery, the need for public participation hearings, the possibility of a mediated solution, the schedule for subsequent proceedings, and any other matters the parties believe should be

A.05-10-005 GEW/hl2

discussed.

1. Cases and Parties

The cases and parties are as follows:

Case (C.) 05-09-011 (filed Sept. 6, 2005)	David R. & Donna L. Gonzales v. Fruitridge Vista Water Co.
C. 05-09-012 (filed Sept. 6, 2005)	Mercy Properties California v. Fruitridge Vista Water Co.
C. 05-09-027 (filed Sept. 22, 2005)	Victoria Station LLC v. Fruitridge Vista Water Co.
C. 05-10-011 (filed Oct. 7, 2005)	County of Sacramento v. Fruitridge Vista Water Co.,
Application 05-10-005 (filed Oct. 7, 2005)	Fruitridge Vista Water Co., Applicant
C. 05-10-007 (filed Oct. 11, 2005)	Sacramento Housing and Redevelopment Agency and the Housing Authority of the County of Sacramento

Other persons may appear in response to Fruitridge's application and they will be added to this proceeding.

2. Issues To Be Addressed

The following issues are set forth in one or more of the complaints:

- (a) Fruitridge's alleged refusal to provide service for new and existing customers who are building or rehabilitating housing, businesses, or other uses;
- (b) Fruitridge's alleged refusal to accept water from the City of Sacramento;
- (c) Fruitridge's alleged inability to provide adequate water pressure to ensure effective fire protection by the City of Sacramento Fire Department.

In its application, Fruitridge seeks a Commission order (a) approving and authorizing a moratorium on new service connections; and (b) clarifying Tariff

Rule 15 (concerning authority to deny connections until the utility establishes a viable long-term water supply).

This statement of issues may be superseded by the Scoping Memo entered following the prehearing conference in these proceedings.

3. Consolidation

These six proceedings involve common issues of fact and law. These proceedings are consolidated under Rule 55 of the Commission's Rules.

4. Feasibility of Mediation

The pleadings suggest that this proceeding may benefit from mediation by a mediator. To determine whether mediation is practical or desirable, all parties are ordered to meet with an Administrative Law Judge (ALJ) neutral to determine the feasibility of mediation. This initial meeting will not be the mediation, although this initial meeting will be confidential unless the parties agree otherwise. If mediation subsequently proceeds, another ALJ may be appointed as the actual mediator. The ALJ neutral will not be appointed as the mediator unless the parties agree and the ALJ mediator's schedule permits.

This initial meeting concerning the feasibility of mediation will be held at 10:00 a.m., Thursday, November 17, in the Commission Courtroom, 505 Van Ness Avenue, San Francisco. The meeting will be conducted by the ALJ neutral. I will not serve as neutral or as the mediator, if one is appointed, because I will be called upon to conduct the prehearing conference and, if necessary, the evidentiary hearing.

At the conclusion of this pre-mediation meeting, the ALJ neutral or the parties jointly, will submit a recommendation to the assigned ALJ as whether or not mediation is feasible. Fruitridge is directed to file and serve its report on the feasibility of mediation on or before November 29, 2005.

5. Prehearing Conference Statements

On or before November 30, 2005, the parties shall file and serve prehearing conference statements. (Rule 6.2.) The prehearing conference statements will address the issues, schedule, and any matter related to the applicability of Rule 2.5 to this proceeding. The parties should also identify and discuss anything else necessary for an expeditious and efficient completion of this proceeding. In addition to normal service of these statements, the parties shall e-mail their prehearing conference statements to the assigned Administrative Law Judge at gew@cpuc.ca.gov.

6. Service of Pleadings

Parties should also come to the prehearing conference prepared to discuss the desirability of adopting a rule that service of pleadings in this will be by electronic mail, without concurrent service of a paper copy. (Rule 2.3(b).) If adopted, however, this rule would not vacate the Commission's rules regarding filing of paper copies, Rule 2.5, or the need to serve paper copies on the ALJ and on any party without an electronic mail address.

7. Transcripts

Parties who desire an expedited or daily transcript should advise the Chief Hearing Reporter by telephone at (415) 703-2288 no later than three days prior to the prehearing conference. Questions regarding the date, time or place for the prehearing conference should be directed to the Calendar Clerk at (415) 703-1203.

IT IS SO RULED.

Dated October 27, 2005, at San Francisco, California.

/s/ GLEN E. WALKER
Glen E. Walker

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Pre-Mediation and Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated October 27, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.